



H.R. 660 - Court Security Improvement Act of 2007

FLOOR SITUATION

H.R. 660 is being considered on the House floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative John Conyers (D-MI) on January 24, 2007. The bill passed the House on July 10, 2007, by voice vote. The Senate passed the bill, with an amendment, on December 17, 2007 by unanimous consent.

H.R. 660 (as amended by the Senate) is expected to be considered on the House floor on December 18, 2007.

**Note: On April 19, 2007, the Senate passed the Court Security Improvement Act of 2007 (S. 378) by a recorded vote of 97-0 ([Record Vote Number: 135](#)).*

BACKGROUND

Trial judges have been the targets of violence that has resulted in the deaths of at least 4 U.S. judges from 1979-2005. The Administrative Office of United States Courts estimates that almost 700 threats are made against judges each year. In one of the more recent and audacious attacks against a judge's family, the husband and mother of United States district court judge Joan Lefkow were murdered in her home apparently by a plaintiff in a medical malpractice case that Judge Lefkow had dismissed.

Financial disclosure reports of Federal Judges are made public and can contain such sensitive personal information as residences, spouse's workplace, and children's school locations. Persons are able to obtain this information and can use it for improper means to retaliate or intimidate these judges. The House has taken steps to safeguard these judges from assault based on the information required in a financial disclosure report.

On March 21, 2007, the House of Representatives passed the Judicial Disclosure Responsibility Act (H.R. 1130) by a recorded vote of 415 - 0 ([Roll no. 177](#)). On April 19, the Senate passed the bill and the President signed it into law on May 3, 2007 (Public Law No: 110-24.)

H.R. 1130 revives and extends until 2009 an expired exemption for the Judicial Conference (federal judges, judicial officers, and judicial employees) that permits redactions of sensitive personal information that could compromise their safety from inclusion in public financial disclosure reports. H.R. 1130 also expands the exemption to

permit redactions of sensitive personal information that could compromise the safety of family members of members of the Judicial Conference.

In the 109th Congress, the House of Representatives passed the Secure Access to Justice and Courthouse Protection Act (H.R. 1751) by a recorded vote of 375 - 45 ([Roll no. 585](#)). The judicial security provisions from H.R. 1751 are lifted from the bill and are incorporated in H.R. 660.

SUMMARY

H.R. 660 requires the Director of the United States Marshals Service to coordinate with the Judicial Conference of the United States regarding the security requirements for the judicial branch of the United States Government. The bill mandates this to allow the Judicial Conference to have input when determining the security for judicial buildings, the personal security of judicial officers, and other judicial personnel.

The bill permits the withholding of personal information regarding family members of judges and extends the right of the Judicial Conference to withhold personal information from the financial disclosure reports of judges through 2009.

H.R. 660 provides that the United States Marshals Services will now provide security for the United States Tax Court, including the personal protection of Tax Court judges, court officers, witnesses, and other threatened persons in the interests of justice, where criminal intimidation impedes on the functioning of the judicial process or any other official proceeding.

This legislation authorizes \$20 million per year for FY2006 through FY2011 to the Marshals Service to protect the judiciary. This authorization will be used for:

- Hiring entry-level deputy marshals for providing judicial security;
- Hiring senior-level deputy marshals for investigating threats to the judiciary and providing protective details to members of the judiciary and assistant United States attorneys; and,
- For the Office of Protective Intelligence, for hiring senior-level deputy marshals, hiring program analysts, and providing secure computer systems.

The bill creates a new Federal offense against filing a false lien or encumbrance against the real or personal property of Federal judges, Federal attorneys and Federal employees. The criminal penalty for such actions is a fine or up to 10 years of prison time, or both.

H.R. 660 creates a new Federal offense against providing restricted personal information of judges and other judicial personnel (including jurors) on the internet. The criminal penalty for such actions is a fine or up to 5 years of prison time, or both.

This legislation also clarifies that the venue for a trial for retaliation against a witness will occur in the district in which the official proceeding or conduct occurred.

The bill also increases the maximum penalties for killing or attempting to kill a witness, victim or informant with the intent to obstruct justice. It also increases the maximum penalty for the threat of violence or actual physical assault and also provides an increase in the maximum penalties for voluntary manslaughter and involuntary manslaughter, in regards to Federal judges and other judicial participants.

The bill authorizes \$20 million per year for FY2006 through FY2011 to provide grants to create and expand witness protection programs to assist witnesses and victims of crime, which is executed through the Violent Crime Control Act (Public Law No: 103-322).

H.R. 660 allows State courts to be eligible for discretionary Byrne grants.

**Note: The Edward Byrne Memorial State and Local Law Enforcement Assistance Grant Program (Byrne Formula Grant Program) is a partnership among federal, state, and local governments to create safer communities. These grants may be used to provide personnel, equipment, training, technical assistance, and information systems for more widespread apprehension, prosecution, adjudication, detention, and rehabilitation of offenders who violate such state and local laws.*

The bill also reauthorizes the Ethics in Government Act of 1978 through 2011.

**Note: The Ethics in Government Act of 1978 applies to all branches of government and sets public financial disclosure requirements for senior level federal officials, including: The President, Vice President, the Judicial Conference, Members of Congress, and certain senior congressional staff. The Act is designed to prevent the improper use of knowledge gained while employed by the federal government by setting rules of conduct for federal employees.*

Additionally, the bill requires Courts to pay the cost increases of Federal Employee Group Life Insurance for bankruptcy judges that are 65 years of age or older.

The bill also authorizes \$15 million for a grant program for states to establish a threat assessment database.

The bill transfers one US Court of Appeals for District of Columbia judgeship to the Ninth Circuit.

COST

A cost estimate for the amended legislation is not yet available.